

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

ELECTRONIC SCRIPTING PRODUCTS, INC.,	§
	§
	§
vs.	§
	§
ANDROMEDA ENTERTAINMENT, Limited	§ <b>Jury Trial Demanded</b>
	§
<i>Defendant.</i>	§
	§

**SCHEDULING ORDER**

Before the Court is ECF No. 22, the Parties' Joint Motion for Entry of Proposed Scheduling Order. The parties could not agree on (1) when fact discovery opens, (2) the deadline to serve final infringement and invalidity contentions, (3) the deadline for amended pleadings, and (4) the close of fact discovery. On February 28, 2024, the Court conducted an initial pretrial conference in the above entitled and numbered case. All parties appeared through counsel. As a result of such hearing, considering the arguments presented by both sides, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines of this matter:

<b>DATE</b>	<b>EVENT</b>
March 1, 2024	Initial Disclosures Due
March 1, 2024	Discovery commences on all issues.

DATE	EVENT
March 7, 2024	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date ( <i>i.e.</i> , the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
May 2, 2024	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
May 16, 2024	Parties exchange claim terms for construction.
May 23, 2024	Deadline to add parties
May 30, 2024	Parties exchange proposed claim constructions.
June 6, 2024	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
June 13, 2024	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
June 20, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
July 11, 2024	Plaintiff files Responsive claim construction brief.
July 25, 2024	Defendant files Reply claim construction brief.

DATE	EVENT
July 25, 2024	Parties to jointly email the law clerks to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.
August 8, 2024	Plaintiff files a Sur-Reply claim construction brief.
August 11, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.
August 15, 2024	Parties submit optional technical tutorials to the Court and technical advisor (if appointed).
August 22, 2024	<i>Markman</i> Hearing at 9:00 a.m. before United States Magistrate Judge Derek T. Gilliland.
October 17, 2024 (8 weeks after <i>Markman</i> Hearing)	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
October 17, 2024 (8 weeks after <i>Markman</i> Hearing)	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
February 20, 2025	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.
March 20, 2025 (30 weeks after <i>Markman</i> Hearing)	Close of Fact Discovery.
March 27, 2025	Opening Expert Reports.
April 24, 2025	Rebuttal Expert Reports.
May 15, 2025	Close of Expert Discovery.

DATE	EVENT
May 22, 2025	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
May 29, 2025	Dispositive motion deadline and <i>Daubert</i> motion deadline.  All dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 25 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.  Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at <a href="https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge">https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge</a> .
June 12, 2025	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).
June 26, 2025	Serve objections to pretrial disclosures/rebuttal disclosures.
July 3, 2025	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
July 10, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i> . From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.

DATE	EVENT
July 17, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter.  Deadline to file replies to motions <i>in limine</i> .
July 24, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
July 28, 2025	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
August 12, 2025	Docket call at 10:00 a.m. CST for the parties to agree to a firm trial date. In person at United States Courthouse; 111 East Broadway Street; Del Rio, TX 78840.
TBD	Final Pretrial Conference.
TBD	Jury Selection/Trial.

**IT IS SO ORDERED.**

SIGNED this 13th day of March, 2024.



DEREK T. GILLILAND  
UNITED STATES MAGISTRATE JUDGE